

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALFRED WALKING EAGLE, JR.,

Defendant.

CR-07-50-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on November 23, 2021. (Doc. 50.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on November 22, 2021. (Doc. 46.) The United States accused Walking Eagle, Jr. of violating his conditions of supervised release 1) by failing to report for substance abuse treatment; 2) by failing to report for substance abuse testing. (Doc. 43.)

At the revocation hearing, Walking Eagle, Jr. admitted he had violated the terms of his supervised 1) by failing to report for substance abuse treatment; 2) by failing to report for substance abuse testing. (Doc. 46.) Judge Johnston found that the violations Walking Eagle, Jr. admitted proved to be serious and warranted revocation, and recommended that Walking Eagle, Jr. be incarcerated until December 22, 2021, with no supervised release to follow. Walking Eagle, Jr. was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 46.) The violations prove serious and warrants revocation of Walking Eagle's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 50) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Alfred Walking Eagle, Jr. be sentenced until December 22, 2021, with no supervised release to follow.

DATED this 8th day of December, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court

